

SECOND AMENDED

NO. 70286

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 01 2003

Returned to applicant for correction AUG 22 2003

Corrected application filed OCT 17 2003

Map filed NOV 06 2003

The applicant **Ross & Orma Mathews 1990 Family Trust** hereby make application for permission to change the **Point of diversion, Manner of use, Place of use of a portion of water** heretofore appropriated under **Permit 9009, Certificate 2046**

1. The source of water is **Fort Creek**
2. The amount of water to be changed **.00445 c.f.s.**
3. The water to be used for **Irrigation/Domestic**
4. The water heretofore permitted for as **Stock water**
5. The water is to be diverted at the following point **NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, T5S, R71E MDM or at a point from where the W $\frac{1}{4}$ Cor, said Section 28 bears N 83° 37' 45" W, 1426 feet.**
6. The existing permitted point of diversion is located within **NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, T5S, R71E, MDM. Per Permit 9009, Certificate 2046. S 40° E 962 feet from the West $\frac{1}{4}$ Cor, Section 28, T5S, R71E, MDM.**
7. Proposed place of use **NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, T5S, R71E, MDM. 1.18 acres of fields & garden to be irrigated.**
8. Existing place of use **NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, T5S, R71E, MDM**
9. Use will be from **January 1st to December 31st** of each year.
10. Use was permitted from **January 1st to December 31st** of each year.
11. Description of proposed works **Spring collection box to 2" pipe to sprinklers, and house.**
12. Estimated cost of works **In current use**
13. Estimated time required to construct works **N/A**
14. Estimated time required to complete the application of water to beneficial use **N/A**
15. Remarks: **A. This water to be used for 1 domestic connection, and to irrigate 1.18 acres of land & garden. This water to be comingled with water from application #70285.**
B. Use map under Permit #9009, Certificate 2046, for existing Point of Diversion & Place of Use.

By **Scott P. Woolsey**
s/**Scott P. Woolsey**
148 E. Tabernacle
St. George, UT 84770

Compared **gkl/bk** lt/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of Fort Creek as heretofore granted under Permit 9009, Certificate 2046, is issued subject to the terms and conditions imposed in said Permit 9009, Certificate 2046, and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permit 7508, Certificate 1857; and Permit 70286 and 70999 shall not exceed 186 acre-feet from any and all sources within the described place of use.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0045 cubic feet per second, but shall not exceed 3.22 acre-feet annually, and not to exceed a yearly duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 23, 2007

Proof of completion of work shall be filed on or before:

April 23, 2007

Water must be placed to beneficial use on or before:

March 23, 2008

Proof of the application of water to beneficial use shall be filed on or before:

April 23, 2008

Map in support of proof of beneficial use shall be filed on or before:

April 23, 2008

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 23rd day of March, A.D. 2006



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____